

The Honorable James L. Robart

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

DAVID CRAIG MARTIN,

Defendant.

NO. CR20-116-JLR
ORDER CONTINUING TRIAL DATE

THE COURT having considered defense counsel's unopposed motion to continue the trial date, now continues the trial and pretrial motions deadline and hereby makes the following findings:

1. On May 14, 2020, Mr. Martin was charged by Complaint with one count of Possession of Child Pornography in violation of Title 18 U.S.C. § 2252(a)(4)(B), (b)(2). Dkt. 1. On July 9, 2020, Mr. Martin appeared for his initial appearance and was ordered detained at the hearing. Dkts. 7, 8.
2. Mr. Martin was indicted on one count of Possession of Child Pornography in violation of Title 18 U.S.C. § 2252(a)(4)(B), (b)(2) on August 6, 2020, and trial was set for October 13, 2020. Dkts. 14, 18.
3. The trial date was continued to March 1, 2021, by motion of then appointed Assistant Federal Public Defender Mr. Murphy. Dkt. 23. On November 10, 2020, Mr. Geisness was appointed to represent Mr. Martin and Mr. Murphy withdrew from the case. Dkt. 29.

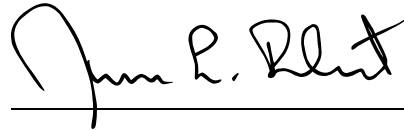
- 1 4. The Court granted the parties joint motion to continue the motions and trial dates to allow
2 defense counsel an opportunity to review discovery and confer with Mr. Martin. A
3 motions deadline was scheduled for May 10, 2021, with a trial date of June 21, 2021.
4 Dkt. 32.
- 5 5. Defense counsel moved the Court for a continuance of motions and trial dates in order to
6 obtain expert forensic analysis of the government's evidence. Dkt. 34. The Court
7 granted the motion and scheduled a motions deadline of August 30, 2021, and a trial date
8 of October 12, 2021. Dkt. 36.
- 9 6. On August 19, 2021, defense counsel filed a Motion to Withdraw As Attorney and for
10 Appointment of New Counsel and a sealed declaration related thereto. Dkts. 40-43.
- 11 7. On September 2, 2021, the Court held an ex parte hearing to address defense counsel's
12 motion to withdraw. Dkt. 44. The Court denied the motion to withdraw and granted a
13 trial continuance to February 28, 2022, at the request of the defendant, who executed a
14 speedy trial waiver. Dkts. 44, 45, 46.
- 15 8. The ends of justice served by extending the motions deadline to March 21, 2022, and the
16 trial date to April 25, 2022, outweighs the Defendant's and the public's best interests to a
17 speedy trial. *See* 18 U.S.C. § 3161(h)(7)(A); 18 U.S.C. § 3161(h)(7)(B)(i)/(iv).
- 18 9. Based upon unforeseeable circumstances, the failure to grant the continuance would
19 unreasonably deny the defendant of counsel, taking into account the exercise of due
20 diligence, within the meaning of 18 U.S.C. § 3161(h)(7)(A).

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22 IT IS THEREFORE ORDERED that the pretrial motions shall be filed no later than
23 March 21, 2022, and that trial will begin on April 25, 2022. The court is mindful of defense
24 counsel's other obligations, but the parties in this matter need to be prepared, to the court's
25 standards, to proceed with trial on April 25, 2022.

26 IT IS FURTHER ORDERED THAT the time period between the date of this order and
27 April 25, 2022, is excludable time, pursuant to 18 U.S.C. § 3161(h)(7)(A), for the purposes of
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1 computing the time limitations imposed by the Speedy Trial Act, 18 U.S.C. § 3161-3174.

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3 Dated this 20th day of January, 2022.

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8 The Honorable James L. Robart
9 U.S District Court Judge
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